

Exhibit A

From: zzz.External.TFulham@cov.com
To: "MacWilliams, Phil (CIV)"; Atkinson, Theodore (CIV); Parker, Walter E. (CIV); McConnon, Jim (CIV); St. Aubin, Martin F. (CIV)
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Subject: RE: CM and APF
Date: Monday, October 26, 2020 8:53:31 PM

External E-mail

Counsel,

Thanks for the call on Friday. This email recaps the next steps we discussed on the issues below. Please let us know if you disagree with any of the next steps, or if we missed anything. Given the number of open issues, we would like to schedule another call for later this week or early next week. Please propose some times that would work on your end.

1. **Email ESI**

- a. You provided a status update on the collection and review of email ESI: DOJ and ICE documents have been loaded into Relativity. DOJ custodians' documents are currently being reviewed. DHS-HQ custodians' data has been searched but not yet loaded to Relativity. Six of the 34 CBP custodians' documents have been searched, but this data has not been transferred to Relativity.
 - b. You indicated that the number of documents hitting on the search terms is higher than expected and, in your view, not proportional to the needs of the case. In addition, you also stated that, within the DOJ documents, the search terms are returning a number of irrelevant documents. Although Plaintiffs disagreed that the documents sought were not proportional to the needs of the case, we explained that we are open to further narrowing or negotiation on search terms in order to alleviate the burden on the government, but need additional information to do so. To allow for a productive discussion on potential ways to narrow the terms, you agreed to (1) confirm what the "unique hits" on the ICE hit report shows; and (2) provide the number of unique documents hitting on each search term. You will also be working with your vendor to analyze the documents reviewed to date to attempt to identify search terms generating false hits.
 - c. Plaintiffs requested revising or supplementing the existing search term related to the El Paso program/initiative, in response to recent public reporting on the program which revealed specific term(s) used with the relevant government agencies to describe the program. Plaintiffs will provide a proposal on a revised/supplemental search term, custodian set, and date range.
2. **Non-Email ESI.** You confirmed that three databases have been searched to date for documents related to Plaintiffs: the UAC Portal (HHS); the E3 system (CBP); and EARM (ICE). In addition, the non-email electronic sources for the agreed-upon ESI custodians outlined in your email below will be searched and reviewed, with responsive documents produced on a rolling basis. The Plaintiff teams will follow up separately about incomplete EARM document sets that we have identified.
3. **Hard Copy Documents.** You confirmed that in addition to emails and non-email ESI, relevant hard copy documents are being collected from the identified custodians and produced.
4. **MIDP Obligations.** In your view, once the Government has completed an initial production under MIDP, its obligation to produce documents is complete; to the extent that Plaintiffs seek additional documents (even if such documents are relevant to the parties' claims and defenses) or identify documents missing from the MIDP production, you believe Plaintiffs are required to serve RFPs to request such documents. Plaintiffs

disagreed and explained that the Government's obligations under MIDP were ongoing. Regarding Plaintiffs' requests for video footage of the separations, Plaintiffs explained that such videos are relevant to the IIED claims and should have been produced pursuant to Defendant's MIDP obligations. You agreed to reconsider this request.

5. **HHS Production.** We discussed the deficiencies in the HHS Nadler-Pallone production identified in Erik's email below. Plaintiffs requested a targeted supplemental production in light of these deficiencies. You agreed to speak with Deloitte regarding the technical issues in the Nadler-Pallone HHS production, to determine whether the issues arose in the transfer to DOJ for this case, or if the issues existed during the initial collection. Plaintiffs will propose search terms, custodians, and date range for a supplemental HHS search and production.

Regards,

Terra

Terra White Fulham

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